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MMC of NEVADA, LLC d/b/a
MESA VIEW REGIONAL HOSPITAL

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Carol Simon,

Plaintiff,

vs.

MMC of NEVADA, LLC d/b/a MESA VIEW
REGIONAL HOSPITAL; DOES I through X,
inclusive; and ROE CORPORATIONS 1 through
X, inclusive.

Defendants.

CASE NO.: 2:23-cv-00078-JAD-NJK

**DEFENDANT MMC OF NEVADA
d/b/a MESA VIEW REGIONAL
HOSPITAL'S MOTION FOR
ENLARGEMENT OF TIME
(First Request) (Unopposed)**

Defendant, MMC of NEVADA, LLC d/b/a MESA VIEW REGIONAL HOSPITAL, by and through its attorney, Casey W. Tyler, HALL PRANGLE & SCHOONVELD LLC, hereby files this Motion for Enlargement of Time (First Request) to respond to Plaintiff's Second Amended Complaint (ECF #12) in the above-referenced matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On January 16, 2023, Plaintiff filed this employment-discrimination lawsuit. *See* ECF #1. A first amended complaint was filed the next day on January 17, 2023, followed by leave of this Court, *see* ECF #11, to file the operative Second Amended Complaint ("SAC"). *See* ECF #12,

1 Second Amended Complaint. Summons was issued and returned executed on the SAC on April
2 11, 2023. *See* ECF #15.

3 II. ARGUMENT

4 Defendant, MMC of Nevada LLC d/b/a Mesa View Regional Hospital (“Mesa View” or
5 “Defendant”), seeks an Enlargement of Time of 14 days (through and including May 9, 2023) to
6 file a responsive pleading because it is investigating the applicable law and facts as pled involving
7 the various employment-law discrimination claims, including Title VII of the Civil Rights Act of
8 1964, *see* 42 U.S.C. § 2000e *et seq.*, and the Americans With Disabilities Act, *see* 42 U.S.C. §
9 12101, *et seq.* Plaintiff’s counsel does not oppose this request. Additionally, defense counsel just
10 recently received the Equal Employment Opportunity Commission (EEOC) Charge in this case,
11 which is relevant in assessing the legal sufficiency of Plaintiff’s SAC under Federal Rule of Civil
12 Procedure 12(b)(6).

13 Under Federal Rule of Civil Procedure 6(b)(1):

14 When an act may or must be done within a specified time, the court may, for good
15 cause, extend the time: (A) with or without motion or notice if the court acts, or if
16 a request is made, before the original time or its extension expires.

17 *See* Fed. R. Civ. P. 6(b)(1); *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010)
18 (“requests for extensions of time made before the applicable deadline has passed should normally
19 ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the
20 adverse party.”). Under Fed. R. Civ. P. 15, a defendant has 14 days to file a responsive pleading
21 to an amended complaint, which would be April 25, 2023. *See id.* Here, Defendant’s request for
22 an enlargement of time is timely because the deadline has not yet expired. Because additional time
23 is needed to analyze the EEOC Charge and review applicable law involving the different federal
24 employment statutes, undersigned counsel respectfully requests a 14 day enlargement of time up
25 to and including May 9, 2023, to file its responsive pleading. This request is made in good faith
26 and not for the purposes of delay. Plaintiff’s counsel does not oppose Defendant’s request.

27 III. CONCLUSION

28 Because there will be no prejudice to Plaintiff, and because good cause has been shown as
described above, Defendant respectfully requests that the Court enlarge the time by which it must

1 file its Responsive Pleading to Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P.
2 6(b)(1) through and including May 9, 2023.

3 DATED this 24th day of April, 2023

4 Respectfully submitted,

5 HALL PRANGLE & SCHOONVELD, LLC

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7 By: /s/: Casey W. Tyler
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12 *Attorneys for Defendant,*
13 *MMC of NEVADA, LLC d/b/a MESA VIEW*
14 *REGIONAL HOSPITAL*

13 . . . IT IS SO ORDERED.
14 Dated: April 25, 2023

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17 Nancy J. Koppe
18 United States Magistrate Judge
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